

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FRED STRAUSS	§	
	§	CIVIL CASE NO. 4:19-CV-620
v.	§	
	§	
LAKE CITY CREDIT, ET AL.	§	

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge, this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 14, 2020, the report of the Magistrate Judge, (Dkt. #24), was entered containing proposed findings of fact and recommendations that the Motion to Vacate submitted on behalf of Defendant Lake City Credit, (Dkt. #20), be denied; the Motion to Vacate submitted on behalf of Defendant Gary S. Williky, (Dkt. #21), be granted; and the Clerk's Entry of Default, (Dkt. #11), solely as to Defendant Gary S. Williky be set aside.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge's report should be adopted.

It is therefore **ORDERED** that the Motion to Vacate submitted on behalf of Defendant Lake City Credit, (Dkt. #20), is **DENIED**.


It is further **ORDERED** that the Motion to Vacate submitted on behalf of Defendant Gary S. Williky, (Dkt. #21), is **GRANTED**.

It is further **ORDERED** that the Clerk's Entry of Default, (Dkt. #11), solely as to Defendant Gary S. Williky be set aside.

It is further **ORDERED** that Defendant Gary S. Williky shall file an answer no later than fourteen days after receipt of this Memorandum Adopting.

It is finally **ORDERED** that Plaintiff Fred Strauss shall move forward with dismissal or any request for default judgment against Defendant Lake City Credit no later than fourteen days after entry of this Memorandum Adopting.

So ORDERED and SIGNED this 10th day of August, 2020.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE